

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 3:18-cv-00028-WGC

Order

Re: ECF No. 177

DANIEL HARRINGTON,
PAMELLA HARRINGTON,
and NIGHTWATCH MARINE, LLC,

Plaintiff

v.

DAVID TACKETT,

Defendant

The court found Tackett to be in civil contempt of the court's orders to return the approximately 130,000 pounds of turquoise ore to Plaintiffs, and gave Tackett until noon on August 11, 2021, to file a notice advising the court and Plaintiffs of the location of the 130,000 pounds of turquoise ore sold to him by the Plaintiffs. If he did not do so, the court said it would issue a warrant for his arrest and have him incarcerated until he complies with the court's orders to purge his contempt. (ECF No. 175.) Tackett sought and was granted an extension until noon on August 16, 2021, to file his notice. (ECF Nos. 176, 177.) Tackett filed his notice on August 16, 2021. (ECF No. 178.)

Tackett maintains that all the turquoise he received from the Plaintiffs is located in the fenced yard portion of the property at 2711 E. Lakin Drive in Flagstaff, Arizona, and that the 34 totes, one bag, and 4 small buckets of material encompass the entire amount of material that came from Plaintiffs' property.

The court will give Plaintiffs a chance to respond to Tackett's latest filing and then will hold a hearing, at which point the issue of possible incarceration will be addressed. Plaintiffs

1 may also consider and advise the court in their response whether they would like to seek relief
2 under Federal Rule of Civil Procedure 60(b) to seek a monetary judgment instead of rescission.

3 **CONCLUSION**

4 Plaintiffs have until **August 30, 2021**, to file a response to Tackett's notice. The court
5 will schedule a hearing on this issue for after briefing is completed.

6 **IT IS SO ORDERED.**

7 Dated: August 16, 2021.

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William G. Cobb
United States Magistrate Judge